

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.4142 of 2019

and

Crl.M.P.No.2512 of 2019

Rameshwar

... Petitioner

Versus

1.The Superintendent of Police,
Tiruvallur District.

2.The Inspector of Police,
Kavarapettai Station,
Tiruvallur Distirct.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the investigation relating to Crime No.55 of 2019 from the file of the 2nd respondent police to CBCID and to carry out a proper and impartial investigation, under the supervision of the 1st respondent, in respect of the accident that occurred on 01.02.2019 near ELL KAY YES Marriage Hall, National Highway-16.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The grievance of the petitioner is that even though the accident took place on 02.02.2019 and a complaint was lodged on 05.02.2019 with regard to the death of his brother in the said accident, there is not much progress in the investigation being done by the second respondent/police.

2.It is the case of the complainant that even though he arrived in Chennai only on 05.02.2019, the First Information Report registered on 02.02.2019 shows the name of the petitioner as de-facto complainant.

3.The learned Additional Public Prosecutor, on instructions, would submit that barring allegations made by the petitioner, the investigation is being rightly done.

4.The status report filed by the respondents herein does not address these aspects at all. As such, I find some force in the submissions of the learned counsel for the petitioner. In as much as, the vehicle involved in the accident has been seized and the driver has also been arrested, this Court is of the view that it would be appropriate to permit the respondents herein to continue the investigation. However, considering the specific allegation of the petitioner that despite availability of CCTV footage of the locality where the accident took place, the second respondent has not taken any steps to apprehend the accused.

5.The first respondent herein is called upon to transfer further investigation in FIR. No.55 of 2019 from the second respondent herein to some other police station within the District. The first respondent herein shall monitor such investigation at the transferred place.

6.In the result, this Criminal Original Petition stands allowed accordingly. Consequently, connected Criminal Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbn/klt

To

1.The Superintendent of Police,
Tiruvallur District.

2.The Inspector of Police,
Kavarapettai Station,
Tiruvallur Distirct.

3. The Additional Public Prosecutor,
High Court of Madras.

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